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New York

President:	Mr. Thomson/Sir Emyr Jones Parry	(United Kingdom)
Members:	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Zinsou
	Brazil	Mr. Queiroz
	China	Mr. Li Song
	Denmark	Mr. Rehfeld
	France	Mr. Duclos
	Greece	Mrs. Telalian
	Japan	Ms. Okagaki
	Philippines	Miss Aguinaldo
	Romania	Mr. Stamate
	Russian Federation	Mr. Rogachev
	United Republic of Tanzania	Mrs. Taj
	United States of America	Mr. Wolf

Agenda

The protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2005/740)

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05-63532 (E)

The meeting resumed at 3.10 p.m.

The President: I should like to inform the Council that I have received a letter from the representative of Rwanda in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kamanzi (Rwanda) took the seat reserved for him at the side of the Council Chamber.

The President: I would like to remind speakers that, as indicated at the start of the meeting this morning and given the number of speakers still on the list, it would be helpful if representatives would limit their statements to no more than five minutes so that we can wrap up at a reasonable time this afternoon. Delegations with lengthy statements are kindly requested to circulate them in writing and to deliver a condensed version when speaking in the Chamber. A condensed version is considerably preferable to simply reading a full text at very high speed, which gives the interpreters a lot of grief and is not fair to them.

Mr. Baali (Algeria) (*spoke in French*): The legal arsenal of international humanitarian and human rights law and the now constant and sustained interest of the United Nations system in general, and the Security Council in particular, in the protection of civilians in armed conflict, provide real assurances that this extremely complicated question will be dealt with in an effective, comprehensive and integrated manner.

Progress has certainly been made since the publication of the first report of the Secretary-General on the protection of civilians in armed conflict. The mandates of peacekeeping operations have been reinforced, and in many cases disarmament, demobilization and reintegration programmes have been implemented.

We must recognize, however, that much remains to be done. Recent events have been a cause for concern in many respects. Women, children and the elderly are continuing to suffer from the devastating effects of armed conflict. The displacement of civilians and refugees, serious violations of human rights, the use of sexual violence as a weapon of war, the conscription of child soldiers, crime in all of its forms, the proliferation of small arms and light weapons, cross-border movements, the difficulty of delivering emergency humanitarian assistance and attacks against humanitarian personnel are characteristic of many of the conflicts besetting the world. We must approach the protection of civilians in armed conflict with a heightened sense of urgency and in a comprehensive, coherent and concrete manner.

In this context, we would like to emphasize a number of points. First, a far-reaching prevention strategy to tackle the underlying causes of conflict would make it possible to provide for the protection of civilians in the long term. Such a strategy would be based on the promotion of sustainable development, poverty eradication, national reconciliation, good governance, the promotion of a culture of peace and tolerance, the rule of law and the observance of human rights. That is what we mean by a culture of prevention.

Secondly, the protection of civilians must comply with the principles of universality and non-selectivity, and must be free from political calculation. Unfortunately, there are situations in which the humanitarian community is doing little or nothing, as in the case of peoples under foreign or colonial occupation — even though the United Nations bears a special political and legal responsibility in that regard.

Thirdly, we must be firm. We agree that all forms of impunity must be effectively combated with regard to violations of international humanitarian and human rights law involving civilians in armed conflict.

Fourthly, recent events have made clear just how vulnerable humanitarian workers are. More must be done to ensure that humanitarian personnel can enjoy security, gain access to those who are vulnerable and be treated with respect and dignity. At the same time, we must take steps against humanitarian personnel who violate the principles of humanitarian action.

Fifthly, more effective coordination between the Security Council, the General Assembly and the Economic and Social Council remains crucial. It is also important to encourage regional approaches and to strengthen coordination with regional and subregional organizations.

My delegation has considered with great interest the report of the Secretary-General on the protection of civilians in armed conflict (*S/2005/740*), which refers to, inter alia, the responsibility to protect. We would like to be quite clear and transparent about this. We recall that the September summit mandated the General Assembly to continue the debate on that concept — a concept about which there is still no unanimity within the international community and whose parameters still need to be rigorously defined. Furthermore, we believe that it is important, when it comes to the humanitarian dimension of the item before us today, to await the outcome of the ongoing analysis of the United Nations humanitarian response capacity.

Finally, we can never overemphasize the importance of complying, everywhere and in all circumstances, with the principles of the Charter and those that underpin international relations.

The President: The next speaker is the representative of Uganda, of whom I now call.

Mr. Butagira (Uganda): I will try to keep within five minutes, but if I speak for a minute more, it is because Uganda is mentioned many times in the report, and I need to respond.

The delegation of Uganda is grateful to the Security Council for having afforded us the opportunity to take part in this important debate. I should like to thank the Secretary-General for the comprehensive report on this subject and for the commendable proposals to address the poor conditions of civilian populations caught up in armed conflicts.

As we focus attention on addressing humanitarian crises, we should not forget to ask why there is conflict in the first place. In other words, the international community should address the root causes of conflicts, such as poverty and lack of democratic participation.

In Uganda, in addition to the usual causes of conflict, we have been fighting a fanatical, satanic rebel group, the self-styled Lord's Resistance Army. We have told the world that this group is not interested in peace and that they must be eliminated. Despite several peace proposals, Kony and his gang have not responded. Even now, the "celebrated" Betty Bigombe has not used a magic wand to bring Kony to the negotiating table.

This morning Mr. Egeland reminded us that the military option is not a solution. We must be realistic. The group we are being urged to talk to does not want peace. They are simply seeking to manipulate the device of peace talks to give themselves a breather, to get supplies and reorganize themselves to carry out their murderous activities. The international community just watched as civilians were brutally killed. Sadly, even when displaced persons in a refugee camp known as Barlonyo in northern Uganda were massacred in a most brutal manner, not even a word of condemnation came from this Council by way of a presidential statement.

Some of the remnants of these rebels have now fled to the Democratic Republic of the Congo. We call on the Security Council to have them arrested and disarmed. It is sad that very often, instead of blaming the aggressor, the victim — in this case Uganda — has been blamed for not ending the war.

Let me now touch on some aspects of the report that make specific reference to Uganda. Paragraphs 8 and 17 refer to displaced persons. It is not correct to assert that 90 per cent of the population in the districts of Gulu, Pader and Kitgum are displaced. Most areas, especially in Gulu and Kitgum, are now safe, and people are returning home. The Government is carrying out reconstruction and rehabilitation programmes in those areas as well as a northern Uganda reconstruction programme. The departments of government are functioning. The town of Gulu, for instance, is one of the fastest-growing towns in the country.

The conditions in the camps for internally displaced persons are far from perfect. The Government, in partnership with some non-governmental organizations, is addressing issues such as sanitation, security and provision of food. It should be remembered that these camps are only a temporary measure to protect civilians from marauding Kony rebels.

Now that Kony has been militarily defeated and the Government is carrying out mop-up operations, these people will soon go back to their homes. In fact, the Government has announced the resettlement of about 700,000 people now in displaced persons camps in Arua and Teso to their home areas. The Government will need international assistance to resettle them. In this regard, the Uganda Government welcomes the recent launch of humanitarian appeals by the

Secretary-General, whereby Uganda is earmarked to benefit from a grant of $223 million.

It is asserted in paragraph 20 that the right to freedom of movement in northern Uganda has been effectively eliminated as the result of the Government's establishment of free-fire zones, where persons moving outside desert settlements or camps are automatically considered legitimate targets of attack. With due respect, this is an alarmist statement. There is no such policy. When the Uganda Government unilaterally offered a ceasefire to rebels in order to encourage them to come to peace talks, it designated some areas where the rebels should assemble and nothing would happen to them. Any rebels found outside these areas would be treated as enemy combatants and dealt with accordingly. This restriction, however, was never meant to restrict the free movement of civilian population.

Since the rebels did not respond positively to this good gesture for peace, the designated areas are no longer there. There is free movement of people throughout northern Uganda. The Government is effectively in control of the entire area. The few remaining bandits roaming around are being hunted down. Northern Uganda is not in turmoil, so there should not be the remotest consideration of entertaining any idea of sending peacekeepers there, or any idea of putting Uganda on the agenda of the Security Council, as was suggested by Canada this morning.

It is common knowledge that Canada has been leading a sustained, uncalled-for and unjustified crusade to have northern Uganda put on the Security Council agenda. It is indeed sad and ironic that when we are reaching the tail end of the rebellion there are calls for such a course of action. The military campaign so far has yielded tremendous results. For many months now, there have been no abductions whatsoever by the so-called Resistance Army, nor has there been any recruitment or attacks on internally displaced persons camps. The rebels' capacity to commit such acts has been completely curtailed. The few remnants of the rebel forces are on the run. These are positive developments for which the Government of Uganda should be commended, not demonized. What we need is international assistance to resettle the displaced people. Uganda, therefore, strongly resists any move to put northern Uganda on the agenda of the Security Council. It is not helpful at all. We ask the Council to reject such a suggestion as uncalled for.

Lastly, in paragraph 30, the report states that the Government's inability to guarantee security continues to hamper access to northern Uganda. Certainly this is not correct. The Government has been providing escorts and, where the food programme has justified it, relief convoys as well. In some instances where some relief workers have unfortunately lost their lives as the result of being targeted by the few rebels remaining, those concerned had chosen not to ask for Government escorts, against the Government's advice. No Government anywhere in the world can be expected to guarantee one hundred per cent security to its citizens. Otherwise, every country would be on the agenda of the Security Council.

With the cooperation of Sudan and the region, soon the menace of Kony and his gang will be history. We appeal to the international community to assist in executing the warrants of arrest issued by the International Criminal Court against the top leadership of the Kony gang who have been indicted. Even at this late hour, the peace talks option is still on the table. Further, any rebel who surrenders would benefit from amnesty extended by the Government.

The President: I now give the floor to the representative of Nepal.

Mr. Acharya (Nepal): Mr. President, I should like to extend my congratulations upon your assumption of the presidency of the Security Council for the current month and to thank you for convening the discussion of this important issue, the protection of civilians in armed conflict. On behalf of the delegation of Nepal, I express our sincere appreciation to the Secretary-General for his fifth comprehensive report on the subject, as well as our appreciation for the presentation today by Under-Secretary-General Jan Egeland.

The safety, security and well-being of civilian populations who are badly affected by terrorism, armed conflict and violence are our common interest. We share the view that national Governments should take primary responsibility for the protection of their civilian populations from violence and terrorist activities. Only recently, our leaders have agreed to devise methods of taking responsibility to protect innocent civilians from genocide, ethnic cleansing, war crimes and crimes against humanity. Protection of

civilians, including women and children, in armed conflicts, especially from the threats of non-State actors, remains the primary challenge for us to address effectively. The Security Council should remain engaged as to how such violations by non-State actors can brought under control through international justice.

My own country, Nepal, has been the victim of terrorist activities committed by illegal armed groups who have shown little respect for human dignity and even for human life. In their brutal attacks, civilian lives and livelihoods have been destroyed, as has infrastructure for essential services. Innocent civilians, including women and children, are victims of ruthless killings, maiming, torture, forced recruitment and kidnapping. These activities have not abated, despite the declaration of the so-called unilateral ceasefire in recent months.

I would like to make a few comments with regard to references to Nepal in the Secretary-General's report.

His Majesty's Government is committed to taking the necessary measures to protect the lives and livelihoods of innocent civilians who are the victims of terrorist and disruptive activities. The Government is fully conscious of its responsibility to protect civilians, even in the face of difficult circumstances. The security forces have exercised the utmost restraint in the security operations that are carried out to protect innocent civilians from terrorist and disruptive activities.

His Majesty's Government has given the highest priority to the protection of civilians, including by mobilizing resources to provide the necessary assistance to internally displaced persons. The Government is committed to intensifying its efforts to provide such assistance, taking into account the short-term and long-term perspectives. The Government will implement a comprehensive policy for the welfare of internally displaced persons. We welcome the efforts of the United Nations system to complement national efforts to provide humanitarian assistance and protect innocent civilians, including internally displaced persons in Nepal.

Nepal fully respects and strictly observes the principles of international law on the protection of civilians in armed conflict, through full adherence to international humanitarian law, in particular the Geneva Conventions. Security personnel are given instructions and training on international humanitarian law and human rights. We have also allowed the International Committee of the Red Cross to operate in Nepal with full access to all places in Nepal, including places of detention. His Majesty's Government has allowed unhindered access for non-governmental organizations, human-rights defenders and international humanitarian agencies in all parts of the country. The reference in the report of the Secretary-General to the registration process does not apply to humanitarian organizations that are already operational in Nepal. Non-governmental organizations will be allowed unhindered access to the civilian population without any hindrance if they are registered in accordance with the law.

The office of the United Nations High Commissioner for Human Rights in Nepal, which was established under an agreement this year, is fully functional in all areas of the country. It has not reported any access problems, for humanitarian agencies or other entities, in any part of the country. The Representative of the Secretary-General on the human rights of internally displaced persons, who visited Nepal earlier this year, also reported that there is no humanitarian crisis in Nepal.

His Majesty's Government of Nepal is fully committed to protecting civilians and making every effort to restore peace and re-energize the country's democratic institutions, including through the municipal elections scheduled for 8 February 2006 and the parliamentary elections to be held by April 2007, as commanded by His Majesty the King. We believe that those elections will help foster a competitive democratic process, which will pave the way for the better protection of civilians and put an end to the ongoing violence.

Nepal welcomes the humanitarian assistance to the victims of terrorist and disruptive activities. We are of the view that, in making such efforts, the special circumstances on the ground must be taken into account. We support the idea that humanitarian assistance by the international community for victims of violence and internally displaced persons should be provided with the consent of the State concerned, in accordance with the principles of the Charter of the United Nations. Any guidance by the Security Council should take into consideration that direct access to illegal armed groups can be counterproductive to

efforts to protect civilians in armed conflicts and can even jeopardize peace and stability.

The President: I give the floor to the representative of Egypt.

Mr. Abdelaziz (Egypt): I feel honoured to be among the only two permanent representatives sitting at the Council table at this moment.

(*spoke in Arabic*)

I shall deliver a summary of my statement — I hope that the interpreters will be able to follow. That way, I can respect the suggested five-minute time allowance.

The question of the protection of civilians in armed conflict is of great importance to the activities of the United Nations. I welcome the report of the Secretary-General on this issue (S/2005/740). After five years of consideration of this issue, it is our belief that we must continue our work, while remaining committed to certain basic principles.

First, the Security Council should limit itself to the cases of the protection of civilians in armed conflict as defined by the items on its agenda. The Council should not expand its authority by establishing general policies for dealing with humanitarian issues and human rights. The elaboration of such general policies falls within the mandates of the General Assembly and its Main Committees. Thus, we are concerned at the mention in the report and the draft resolution of the possible role of the Security Council in legislating and taking action under the so-called responsibility to protect. Of even greater concern is the fact that the General Assembly, which has been mandated by the Summit Outcome (General Assembly resolution 60/1) to continue its consideration of that issue in all its aspects, has not yet begun that consideration.

Second, the protection of civilians requires the Security Council and the other principal organs of the United Nations to make greater efforts to consider the root causes of conflicts and terrorism and not to limit their action simply to deal with the consequences.

In that regard, we regret that the report of the Secretary-General, which deals with an issue of such importance, fails to make any reference to the role of the General Assembly or the Economic and Social Council or their mandates, in particular with respect to preventive diplomacy and post-conflict peacebuilding.

Third, the report of the Secretary-General notes in paragraphs 19 and 36 that peacebuilding and peacekeeping mandates should be integrated operationally for the protection of the civilians. It is our hope that the Peacebuilding Commission will be the beginning of joint action with the Security Council in a complementary manner.

Fourth, we welcome the Secretary-General's establishment of a group of legal experts to study the accountability of United Nations personnel serving in missions for illegal activities. We look forward to receiving the details of the integrated strategy that aims to provide assistance to victims. We also welcome the proposal to establish an integrated data-collection and classification mechanism. We request that such data be made available to the General Assembly, the Security Council, the Economic and Social Council and the Peacebuilding Commission.

Fifth, we call on the Secretary-General to give special attention to African conflicts, which cause enormous suffering to civilians.

Sixth, the Egyptian delegation is greatly concerned at the situation in Palestine, as reflected in the statistics of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and other humanitarian agencies working in the occupied Palestinian territories, which are contained in the report of the Secretary-General. In the period from January 2004 to July 2005, Palestinians were subjected to more than 2,000 incidents involving the denial or obstruction of humanitarian access to the Palestinian people. That situation calls for effective measures to prevent such incidents from occurring again and to ensure that Israel, the occupying Power, abides by its obligations until the establishment of an independent Palestinian State.

Seventh, the recommendation of the Secretary-General to impose new, targeted sanctions on States in order to ensure humanitarian access raises many questions. Such situations should be dealt with by means of cooperation with the Member State concerned, using all measures, including the provisions of Chapter VI and Chapter VIII of the Charter, not by imposing sanctions under Chapter VII.

Eighth, Egypt closely follows the work of the Emergency Relief Coordinator and the Inter-Agency Standing Committee to reinforce humanitarian protection capacity and affirms the importance of supporting the Coordinator's role and activities in order to enhance coordination among the various bodies. I express our gratitude to Under-Secretary-General Egeland and Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross, for their important briefings on the issue this morning.

Finally, this issue should be addressed by strengthening the framework of international law, international humanitarian law and the Charter, with a view to finding a balance in achieving the protection of civilians in armed conflicts.

Mr. Duclos (France) (*spoke in French*): At the outset, it will come as no surprise to you, Mr. President, that I associate myself with the statement that you will be making on behalf of the European Union.

I thank the Secretary-General for his report (*S/2005/740*) and Under-Secretary-General Jan Egeland for his presentation.

Following your wise recommendation, Sir, I shall not read out the full text that we have prepared; the written version will be circulated to delegations. I shall limit myself to summarizing a few points.

First of all, this annual meeting on the protection of the world's civilian populations has become very important for the work of the Security Council. We owe that largely to Jan Egeland. I believe that every year we become a bit more aware that if we want a strategic vision of global affairs, we need to have several cards at our disposal. We need a card on the balance of power; we need a card on crises; we undoubtedly need a card on non-proliferation and one on energy. But we also need — and this has been Jan Egeland's contribution for several years — a card on geopolitics and attacks on people's rights.

Secondly, our most recent draft resolutions on this issue date back to 1999 and 2000. I believe it is useful, now that we have experience, to take account of the shortcomings that we see. We therefore fully support the British presidency in its intention to submit a new draft resolution to the Council. What should be included in such a draft resolution? We will have many ideas to contribute during the discussions, but right now I should like to mention three points.

My first point concerns the responsibility to protect. Because that is something that has emerged since our 2000 resolution — namely, at the September summit — I have noted some misunderstandings about it in certain statements by previous speakers. I believe that what the British presidency proposes is not a reopening of the debate on that subject; we all agree that the concept will be refined, as agreed at the summit, within the framework of the General Assembly.

That said, the Security Council is not exempted from taking into account the major political and philosophical progress represented at the meeting of heads of State or Government: a basic agreement on a balanced vision of what is now called the responsibility to protect. We believe that it would not be unusual for the Security Council to refer to that notion, because it commanded a consensus among our heads of State or Government. Of course it is a notion that should guide the work of the Council, particularly in its role in the protection of populations.

Secondly, a very important development since 2000 has been the establishment of the International Criminal Court. That is particularly important because the Council utilized one of its prerogatives recognized in the Rome Statute to transfer the situation in Darfur to the Court's jurisdiction. In my view, that means that, now that that has been done — and it was a unanimous decision by the members of the Security Council — all of us, regardless of our position on the Rome Statute, have an obligation to cooperate with the Court so that it can carry out its role with regard to the matter of Darfur.

I also believe, more generally speaking, that the precedent represented by the transfer of Darfur to the International Criminal Court is perfectly in keeping with the recommendations made by the High-level Panel on Threats, Challenges and Change. That is to say, the International Criminal Court is among the instruments at the disposal of the Security Council to manage certain crises. Here again, it is not necessary to be a party to the Court to recognize its usefulness, particularly when it is activated by the Council under certain circumstances.

Thirdly, the protection of civilians requires that we devote special attention to the most vulnerable in

armed conflicts — for example, women and children. As we all know, my delegation feels a special responsibility with regard to the issue of children in armed conflict. The Security Council has taken decisions concerning that subject, in particular, in establishing a monitoring mechanism. In the coming months, it is important that that follow-up and assessment mechanism begin to function. We believe that that should be one of the tasks to which the Council should be the most attentive and most vigilant.

Those are the few points that I wanted to make by way of summary. I would refer delegations to our written contribution for the remaining points.

Mr. Wolf (United States of America): The Secretary-General's report (*S/2005/740*) and Under-Secretary-General Egeland's presentation — which is very much appreciated — paint a disturbing picture. But we are encouraged that this meeting helps to reaffirm the international community's commitment to the protection of civilians in armed conflict.

The world continues to be plagued by violent conflicts, with civilians now the major category of casualties of war worldwide. We would like to stress, however, that the primary responsibility for protecting civilians lies with States and their Governments and that international efforts should complement Government efforts rather than assume responsibility for them. Improving the protection of civilians from the devastating effects of armed conflict depends largely not on what we say or do here, but on what Governments do to protect their own people and on how they allow others to assist.

Let me now turn to some specific cases of concern. We continue to be gravely concerned about the ongoing crisis in Darfur, and especially about the impact of conflict on civilians in that region. While large-scale organized violence has substantially diminished, civilians continue to be subject to lawlessness and banditry, and women and girls continue to be raped. More than 2 million people remain displaced from their homes. In addition, humanitarian workers and peacekeepers have been increasingly targeted.

Sadly, there have recently been casualties, both deaths and injuries, among African Union peacekeepers who have been working to restore order in Darfur. This continuing insecurity has a direct detrimental impact on the international community's ability to deliver assistance and provide basic services for the victims of the conflict.

The situation in Darfur illustrates the urgent role that all parties to a conflict, but especially States, must play to safeguard civilians, including those who are internally displaced. Clearly the Sudanese Government has not fulfilled many of its responsibilities towards its people in Darfur, and the rebel groups continue to put them at risk as well. It is also important to reiterate that internally displaced civilians living in camps can continue to face serious human rights violations.

Several other countries, including the Democratic Republic of the Congo, have delicate situations of transition, where many protection challenges have increased. United Nations peacekeeping and assistance missions, together with support from non-governmental organizations, help ensure that civilians in these regions are not denied the dividends of peace.

We are encouraged by the fact that the Security Council has been more consistently addressing the regional dimension of civilian protection. Furthermore, Security Council resolutions and peacekeeping mandates regularly identify key protection issues, including the deliberate targeting of civilians; forced displacement; the use of sexual and other forms of gender-based violence; the recruitment and use of child soldiers, in violation of international law; the need for unhindered humanitarian access at reasonable times and places; and the safety of United Nations and associated humanitarian personnel.

We are grateful to the delegation of the United Kingdom for their efforts on this draft resolution. We look forward to continuing negotiations on the text. As we once again reaffirm the commitment to reinforce and strengthen the protection of civilians in armed conflict and in resulting situations of humanitarian crisis, let us ensure that our words and intentions become actions.

The President: I shall now make a statement in my national capacity as the representative of the United Kingdom.

I have the honour of speaking also for the 25 members of the European Union and 10 other countries that have aligned themselves with this statement: Bulgaria, Romania, Turkey, Croatia, Albania, Bosnia and Herzegovina, the former Yugoslav Republic of

Macedonia, Serbia and Montenegro, Iceland and Ukraine.

The full text of my statement will be circulated. I shall, to honour my own commitments, try to keep my statement slightly briefer than the full text.

First of all, I would like to join others in thanking Mr. Egeland for his briefing and Mr. Forster for his participation. The subject of today's debate is of huge importance; five years after the last Council resolution on this issue, the situation for civilians caught up in armed conflict remains critical.

It is time, we think, to take stock of what lessons have been learned, what progress has been made, what gaps need to be filled, and how best we can fill them. The European Union therefore supports the initiative that my delegation has taken within the Security Council to pursue this through a new draft resolution.

The gaps are very clear — prevention, protection, humanitarian access, impunity — and they can be filled only by combined action: action by parties to conflict, action by individual States concerned, action by the international community, and action by United Nations agencies and peacekeeping and peace support missions. At a political level, it requires us all to be alert and active.

We have to do better on prevention. Timely and adequate briefings to the Security Council by the Special Adviser, by the High Commissioner for Human Rights, by the Emergency Relief Coordinator and by other relevant parts of the United Nations system will help the Council act sufficiently early on in conflict situations to effectively protect civilians at risk.

As regards protection, parties to conflict must comply fully with the requirements of international humanitarian, human rights and refugee law, especially concerning the prohibitions on physical attack, sexual violence, the use of child soldiers and forced displacement. They must also ensure that specific measures for the protection of civilians are included in peace agreements. The United Nations must give peacekeeping missions the mandates and the resources to protect civilians, in particular those under imminent threat of physical attack.

Humanitarian access is a crucial part of protection. The right to food and the right to health are fundamental human rights, but the denial of humanitarian access is increasingly used as a political tool, and even as a weapon of war. All parties to conflict — as well as neighbouring States — must, as our draft resolution proposes, provide unimpeded access to humanitarian assistance and take all necessary measures to guarantee the safety, security and freedom of movement of humanitarian personnel. United Nations peace support operations must have the mandates and resources to ensure the provision of humanitarian assistance.

The investigation of crimes under international law committed against civilians, and the bringing of their perpetrators to justice, is vital — vital to deter future abuses, vital to provide some form of redress to victims, and vital to ensure that a page can be turned in a country's history. As the investigation by the International Criminal Court of atrocities committed in Darfur and northern Uganda shows, we cannot stand by while people — no matter how high their rank — get away with the most egregious crimes.

At the world summit three months ago, our heads of State and Government reached a historic agreement on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. My Government and the European Union regarded this outcome, embracing the concept at the highest level, as one of the most important of the summit. The responsibility to protect is a distinct concept, carefully set out in the World Summit Outcome. But it is clearly relevant to the issue of the protection of civilians in armed conflict, and it is only appropriate that it should be recalled in the draft resolution on which we are working.

Protection of civilians also includes the special protection needs of displaced persons, women and children. The draft resolution calls on parties to conflict to take concrete measures for the safe and sustainable return of displaced persons and calls for peacekeeping missions to have the mandates and the resources to guarantee this by, for example, providing security for and around displaced-persons camps.

Given the increasing incidence of sexual violence, child abduction and the use of child soldiers, it is more important than ever to have a strong message, as in the draft resolution, to all parties to a conflict to refrain from such actions. Peace support operations should be mandated to employ all feasible measures to prevent such crimes and to address their effects where they take place.

Finally, it would be wrong to address the issue of the protection of civilians in armed conflict without raising the issue of illicit small arms and light weapons. The European Union looks forward to working with other Member States in 2006 to review the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects to ensure that it remains relevant. We welcome the growing support, in all parts of the world, for an international treaty to establish common standards for the global trade in conventional arms.

I now resume my functions as President of the Security Council.

The next speaker on my list is the representative of Norway, to whom I give the floor.

Mr. Løvald (Norway): As we speak, millions of civilians are trapped in armed conflicts in several regions of the world. Although the number of conflicts has decreased during the last 10 years, today's conflicts tend to be protracted. They are often fought by groups using small arms, without clear command structures. In many cases the armed groups are unwilling to respect the rights of civilian populations to maintain neutrality, and this has devastating effects.

In protracted armed conflicts, civilians are subject to widespread violence, insecurity and displacement, with no protection against even the gravest breaches of international humanitarian law. As societal structures and common norms of behaviour gradually break down, the vulnerability of the population increases sharply. Women and children are at particular risk.

We have seen this happen again and again — in northern Uganda, in Darfur and in the Democratic Republic of the Congo, just to mention some of the situations of greatest concern. In northern Uganda, the humanitarian situation is precarious. Approximately 1.3 million internally displaced persons depend on humanitarian assistance that cannot be delivered with regularity due to the unstable security situation and the acute level of violence. The conflict between the Government forces and the Lord's Resistance Army is also having serious consequences for the whole region and is affecting the security of civilians in the neighbouring countries of the Democratic Republic of the Congo and the Sudan.

Sexual violence against women is a particularly serious problem in Darfur and the Democratic Republic of the Congo and it is more widespread than ever. Sexual crimes are not only being committed by the irregular armed groups, but also by those who have primary responsibility to protect: the armed forces and law enforcement agencies. Attacks on humanitarian organizations in the southern Sudan and in Darfur during recent months add to the fear that armed groups are targeting humanitarian personnel as part of their strategy. That situation makes protection of and access to civilians extremely difficult.

In his report to the Security Council, the Secretary-General points out that humanitarian assistance does not reach an estimated one third of the 25 million internally displaced persons. That is a growing problem. Nepal is one of the countries where such difficulties give reason for grave concern.

Norway fully shares the conviction expressed by the Secretary-General in his report that strict compliance with international humanitarian, human rights and refugee law, as well as international criminal law, by all parties concerned provides the best basis for ensuring the safety of the civilian population, whatever threats they are facing. A culture of impunity for mass atrocities can critically undermine long-term security. If peace and reconciliation are to be real and sustainable, they must be built on the rule of law. Impunity for breaches of international humanitarian and human rights law is totally unacceptable.

Norway strongly welcomed the 2005 World Summit Outcome (*General Assembly resolution 60/1*), which explicitly sets out our common responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Once again, we underline the great importance of the International Criminal Court (ICC) in that respect, serving as a final safety net provided by the international community for cases where there is no effective national mechanism to counter impunity.

A new Security Council resolution on protection of civilians must bring us closer to an effective international protection regime. It is our firm belief that the resolution must include a clear and unambiguous reference to the responsibility to protect. Furthermore, the particular role of the ICC in ending impunity and securing justice should be underlined in the resolution.

There is no doubt that the true challenge for the Security Council is effective implementation on the ground. A new and strengthened resolution will potentially bring us forward — but we have to continue focusing on implementation of already agreed texts that are far from fully implemented, such as Council resolutions 1325 (2000), on women, and 1612 (2005), on children in armed conflict.

Norway welcomes the data collection announced by the Secretary-General in his most recent report to the Council. Our responses to armed conflicts and our peacebuilding efforts must be based on sound knowledge of the situation and the needs of the victims. We would particularly like to draw the Council's attention to the need for empirical information on the situation of women and children in armed conflict, and on the recruitment and employment of child soldiers by warring factions, including States and non-State actors.

Mr. Al-Bader (Qatar) (*spoke in Arabic*): At the outset, I would like to apologize on behalf of Ambassador Al-Nasser, who is unable to make this statement as he had to travel outside of the United States.

I would like to join the others who have congratulated you, Sir, on your assumption of the presidency of the Security Council during the month of December, and would like to thank Council members, through you, for holding an open meeting to discuss this important matter.

The protection of civilians in armed conflict leads us to the basic reason for the establishment of the United Nations and for the promotion of respect for the rule of law, including international humanitarian and human rights law. As such, the provision of such protection is not an option, but a duty and a raison d'etre of the United Nations. It is one of the most important issues on the Council's agenda because of its close linkage to the maintenance of international peace and security.

We would like to commend the Secretary-General for his excellent report on this matter in document S/2005/740. The report clearly sheds light on the problem and on the road to achieve progress, and places the humanitarian aspect of the issue before the Council.

The State of Qatar expresses its grave concern over the proliferation of war and conflict in poor developing countries, where the majority of the victims are women, children and the elderly. Furthermore, war and conflict directly threaten international peace and security, adversely affect the sustainable development of small developing countries and consume valuable resources directed towards conflict resolution and peacemaking efforts. To that, we add the life-long scars and trauma that surviving victims often suffer, which alone become great impediments to progress and development.

We also note the dramatic increase in the recruitment of children and youth as soldiers and the use of civilians as human shields. Increasingly, modern wars are no longer confrontations between regular armies, but more like street and urban warfare fought by civilian rebels and uniformed soldiers — citizens of the same country — or local conflicts raging among civilian factions. Such non-conventional battles are extremely lethal, with no marked distinction between combatants and non-combatant civilians and a total lack of respect for law.

My delegation notes with concern that civilians are the most adversely affected parties in armed conflicts and that, by comparison in many instances, fatalities and injuries are disproportionately high among civilians, despite the fact that they do not participate in combat activities. Moreover, civilians are often attacked and tortured and are subject to other serious violations of international humanitarian and human rights law.

Targeting United Nations and other humanitarian personnel who work in the humanitarian field is clear evidence of the increasingly vulnerable environment in which they live, attacked and killed as they often are because of the lack of any security guarantees. The international community and the United Nations should continue to denounce and strongly condemn such violations and attacks, which are cowardly and inadmissible acts.

We should therefore spare no effort to mainstream questions pertaining to the protection of civilians into State policies, United Nations programmes and the mandates of peacekeeping operations. Those questions must include reporting human rights violations and taking the necessary legal actions, as well as putting in place strict special

measures to protect women and girls from rape and other forms of violence and exposure to HIV/AIDS infection and the destruction of homes and property, as well as to put an end to the displacement of entire communities.

Member States should guarantee the success of efforts aimed at capacity-building in this field. They must also be encouraged to sign and ratify existing legal instruments within the wider framework of protecting civilians in armed conflict. Pressure must be also brought to bear on belligerent parties to bring them into compliance with the rules and principles of international law. The United Nations has an important role to play in that regard. It is impossible to develop a culture of protecting civilians in armed conflict unless all stakeholders adequately coordinate their actions. The time has come to act seriously and decisively and to pursue an integrated and systematic approach to preventing the outbreak of conflict, promoting a culture of respect for human rights and putting an end to impunity from law. Failure to take such action would mean that the universal culture of protecting civilians pursued by the international community had failed.

We would like to emphasize that the protection of civilians — whether in times of transition and armed conflict or while fighting terrorism — should be anchored in respect for international humanitarian, human rights and refugee laws. Respect for the relevant instruments requires raising awareness among the ranks of protagonists to ensure that they shoulder their responsibilities. We must end impunity from law at the national and international levels. Since protagonists include States, and in particular their armed and police forces, as well as non-State armed groups, we should underscore the fact that the fundamental humanitarian principles of independence, integrity and neutrality apply to this question in all circumstances. Respect for those principles is a sine qua non condition for the creation of an adequate environment for humanitarian intervention, whether inside or outside the United Nations umbrella.

Last but not least, the State of Qatar is determined to spare no effort to promote those principles and values during its tenure as a non-permanent member of the Security Council for the period 2006 to 2007. We call on the Council to use monitoring mechanisms and fact-finding missions and to end the illicit trafficking in small arms and light weapons, given the adverse impact of such weapons on civilian populations. We also believe that the Council should devote more attention to the impact of armed conflict on women and girls, and in particular to the use of sexual violence as a weapon and tool of war and suppression, take steps to end the forced displacement of populations and pursue further approaches and measures to protect civilians in armed conflict. We want the dignity of women to become the centre of the international community's attention. We also need to ensure that terrorist groups committing such atrocities do not escape punishment, as mentioned in the Security Council's presidential statement of 14 April 2004. We would also like to reaffirm that the 1949 Fourth Geneva Convention remains entirely in effect, and should therefore be complied with in all circumstances.

The President: As the representative of Qatar has noted, both he and Ambassador Al-Nasser will of course have many opportunities to speak in the Council in the course of the next two years.

I now give the floor to the representative of Slovakia, who is in the same position.

Mr. Burian (Slovakia): First of all, I would like to thank you, Mr. President, for organizing this important debate.

We fully align ourselves with the statement made by the representative of the United Kingdom on behalf of the European Union, in which he stressed the need to address the wider scope of issues associated with the protection of civilians in armed conflict and identified many existing gaps in international humanitarian law in that area.

Even years after Srebrenica and Rwanda, we are still witnessing attacks motivated by ethnic or religious hatred or political confrontation, sexual violence, the killing of civilians and other grave violations of human rights and international humanitarian law in conflict regions such as Darfur, northern Uganda, Côte d'Ivoire and the Democratic Republic of the Congo, among others. We cannot be neutral or indifferent when other human beings are suffering.

Slovakia is therefore deeply concerned about the continued blatant disrespect for international humanitarian law on the part of armed groups and State and non-State actors in armed conflicts against civilians. We welcome the continuing endeavour by the Security Council and the entire international community to strengthen the protection of civilians,

especially the most vulnerable groups, such as women and children. The international community must continue to adopt and implement feasible measures to put an end to such grave violations of human rights and humanitarian law.

The establishment of a culture of protection, which Secretary-General Kofi Annan called for a few years ago, should become a reality. The implementation of the principle of the responsibility to protect, which was outlined during the World Summit this past September, into the international legal system is without doubt a major step in that direction. Further development and enactment of the principle of the responsibility to protect should also be continued through a new Security Council resolution on the protection of civilians.

In the World Summit Outcome, world leaders agreed that, as appropriate, the international community should encourage and help States to exercise their responsibilities and support the efforts of the United Nations to establish an early warning capability. Those commitments must be reflected in practical measures. In that regard, we welcome the activities of the Office for the Coordination of Humanitarian Affairs undertaken as part of its advocacy and dissemination work with regard to the protection of civilians in armed conflict. That work has been organized with the support of the Security Council and interested Member States and has included a series of regional workshops on the protection of civilians, in an effort to broaden the audience for protection policies and mainstream them into the decision-making processes of Member States.

On the other hand, as the organ with the primary responsibility for the maintenance of international peace and security, the Security Council has a special role to play in addressing the issue and in strengthening the response capabilities of the international community. It must ensure an immediate, decisive and rapid reaction to emerging situations of massive attacks on civilians and their livelihoods. Political questions or selfish national interests should not be obstacles to the international community's taking action through the Security Council, including through the application of the principle of the responsibility to protect, especially in situations when governmental institutions are unable or unwilling to implement feasible measures for the protection of civilians. Of course, the international community must be equipped with credible and effective legal and coercive instruments.

Only a few days ago, on 7 December, in the region of western Darfur, armed militia forces attacked the town of Kongo Harasa and destroyed all water wells built by humanitarian workers. That is another example of the kinds of atrocities committed against civilians. We are convinced that attacks on basic infrastructure necessary for survival, such as sources of drinking water and crops, should also be considered as direct attacks against civilians, and should therefore be addressed by international criminal and humanitarian law. The international community should not only condemn attacks that target the very livelihoods of people, but also prosecute those who perpetrate such inhuman acts.

I wish to assure you, Mr. President, that Slovakia, as an incoming non-permanent member of the Security Council, considers the issue of the protection of civilians as one of its priorities, and will devote increased attention to that question during its tenure.

The President: I call on the representative of Pakistan.

Mr. Akram (Pakistan): Let me begin by extending our warm felicitations to the United Kingdom delegation on assuming the presidency of the Council for this closing month of the year. That has no doubt added to its already onerous responsibilities in its capacity as the presidency of the European Union.

I would also like to take this opportunity to express our appreciation to Ambassador Denisov and the Russian delegation for their able stewardship of the Council last month.

Pakistan welcomes the convening of this open debate. Let me thank Under-Secretary-General Jan Egeland and Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross, for their informative briefings. We hope the views expressed here by members of the Council and non-members will contribute to evolving a more effective response of the international community to the complex challenges related to the protection of civilians in armed conflict.

The latest report of the Secretary-General provides useful insight into the entire range of issues related to the protection of civilians in aimed conflict. An overall decrease in the number of armed conflicts since the 1990s is indeed encouraging. However, in

today's armed conflicts, violations of human rights and international humanitarian law have escalated, with tragic consequences for civilians, especially women, children and minorities. As observed by the Secretary-General,

> "[i]n the new warfare... the impact of armed conflict on civilians goes far beyond the notion of collateral damage. Targeted attacks, forced displacement, sexual violence, forced conscription, indiscriminate killings, mutilation, hunger, disease and loss of livelihoods collectively paint an extremely grim picture of the human costs of armed conflict." (*S/2005/740, para. 3*)

That is a sad commentary on the poverty of implementation of the entire body of international humanitarian and human rights law that codifies the protection of civilians.

A comprehensive response entails the proper identification of underlying problems, which are multidimensional — legal, moral, political, cultural, social and economic. One reason for the escalation in violations is the changing nature of conflicts, which are now more likely to be internal wars than inter-State conflicts. Ethnic and religious conflicts, the most common type of civil war, are by their very nature directed against entire populations, including civilians.

Secondly, in many instances, it is the politics of poverty that lead to and exacerbate conflicts, involving competition between groups, including civilians, for scarce resources. Here again, civilians are usually in the front line.

Thirdly, the empirical evidence of recent and old history shows that systematic and consistent violations of the rights of civilians are most frequent and pervasive in situations of foreign occupation and suppression of the right of peoples to self-determination. The list of places mentioned in the Secretary-General's report where the gravest violations of international human rights and humanitarian law are taking place amply illustrates that point. The list, however, is not exhaustive. It excludes, for example, a situation that is of particular concern to my country and in which the most blatant violations have been and are being perpetrated against civilians. An important question that should be posed is how to protect civilian populations when their very suppression is the object of the conflict. Moreover, the rationale of suppressing terrorism should not provide an escape route for the suppression of civilians seeking respect for their fundamental rights, including the right to self-determination.

The challenges of addressing gross violations of international human rights and humanitarian law are also exacerbated by the problem of inequity in the international response. In some situations, there is a quick and even robust response; in others, the perpetrators enjoy virtual impunity at both the national and the international levels. Most often, there is sufficient public concern, but insufficient political will to act. The record of the Security Council itself in that context is not without blemish. In the circumstances, it is vital to reinforce the concept of the protection of civilians in all — I repeat, all — such situations of violations.

Indeed, the desire proclaimed at the 2005 summit to protect populations from genocide, crimes against humanity, war crimes and ethnic cleansing can be fulfilled only if there are established standards to ensure a uniform and timely response to all situations in which such crimes occur or are likely to occur. And if powerful bodies, such as the Security Council, are unable to act, the international community should consider utilizing the Charter authority of the General Assembly to do so. It can also utilize international judicial mechanisms for that purpose.

Apart from the decisions taken in the past, the Pakistan delegation would suggest that some concrete and practical actions be contemplated to ensure the protection of civilians in armed conflict.

First, all States should undertake a binding legal obligation to observe and respect international humanitarian law and refrain from and oppose genocide and war crimes. That obligation could be created, preferably, through an international treaty or protocol.

Secondly, much greater emphasis is required on preventing the outbreak of conflicts. The Secretary-General and other United Nations mediatory mechanisms can and must play a more active role in conflict resolution under Chapter VI and other provisions of the Charter. The Secretary-General and this Council have a clear right to insist on a mediatory role in inter-State conflicts, but even in internal situations, an early and active role could be pursued —

perhaps with discretion — by the United Nations, together with other influential partners.

Thirdly, international monitoring can play an effective part in preventing violations against civilian populations. Where the danger of conflict is perceived, States should be asked to accept a United Nations or impartial international presence. Where a conflict has broken out, the United Nations should apply a standard operating procedure of dispatching a fact-finding mission, including for the purpose of observing and reporting on the treatment of civilians. That would facilitate both a political and a humanitarian response. In that context, particular attention should be paid to the need to abrogate draconian laws and similar legal or administrative measures that allow arbitrary detention, torture and extrajudicial executions.

Where United Nations peacekeeping or observer missions are already deployed, their mandates should include observation of and reporting on the treatment of civilian populations and, where possible, measures to offer them protection. Adequate resources should be provided to peacekeeping missions for that purpose.

Lastly, the humanitarian response to situations of violations should be adequate and timely. For that purpose, the United Nations humanitarian capacity should be enhanced, predictable financing provided and coordination reinforced. States should undertake to allow United Nations assistance to all affected civilian populations. There should be no "no go" areas where civilian populations are under serious threat.

Collective action and multilateral solutions to today's conflicts offer the best hope for millions of civilians who are trapped between death and despair. We must not fail in responding to this challenge. We must act boldly in all situations where the survival of millions of civilians caught in the vise of violence and war is threatened.

The President: I now give the floor to the representative of Liechtenstein.

Mr. Ritter (Liechtenstein): I would like at the outset to apologize for the fact that Ambassador Wenaweser, the Permanent Representative of Liechtenstein, is unable to be here because he is attending a briefing being given by the Secretary-General at this very moment.

The world summit made it clear yet again that the protection of civilians in armed conflict is a major challenge for and concern of the international community. Several important decisions were taken by our leaders at that summit and are reflected in the 2005 World Summit Outcome (General Assembly resolution 60/1). They range from the affirmation of the responsibility to protect and a particular emphasis on the pressing need to adequately address all forms of violence against women and children, to the resolve to increase the protection of internally displaced persons and to ensure the safe and unhindered access of humanitarian actors to populations in need.

The call of our leaders to conclude negotiations on an optional protocol to the Convention on the Safety of United Nations and Associated Personnel was also of particular importance. We are pleased to note that the General Assembly adopted that Protocol just yesterday, providing for substantial expansion of the scope of legal protection for such personnel. We invite all States to become parties to both the Protocol and the 1994 Convention, in order to strengthen and universalize that important legal regime.

The recognition of the responsibility of the international community to protect civilian populations when their Governments fail to do so constitutes a major breakthrough in our common endeavour to prevent genocide, war crimes and crimes against humanity. The main obligation for its implementation naturally falls on the Security Council. The Secretary-General's Special Adviser on the Prevention of Genocide can play an important role in that respect. The Council must ensure that disgraceful inaction, as was seen in the case of the genocide in Rwanda, cannot occur again.

That responsibility leads almost inevitably to the conclusion that collective action to prevent and respond to genocide, crimes against humanity and war crimes must not be made impossible by a non-concurring vote of one of the permanent members of the Council. That principle was proposed by the High-level Panel on Threats, Challenges and Change and has been taken up in a draft resolution on the working methods of the Security Council prepared by a group of countries including Liechtenstein.

The rest of the membership also has responsibility in this respect, in that it can bring situations to the attention of the Security Council in open debates and by other means. In particular, article 8 of the Convention on the Prevention and Punishment

of the Crime of Genocide, which was adopted on this day in 1948, allows any contracting party to call upon the competent organs of the United Nations to take appropriate action.

The achievement concerning the responsibility to protect makes the absence of a reference to the issue of impunity in the World Summit Outcome even more anachronistic. More advances have been made in that area than in most others. Transitional justice is an inevitable element of any serious discussion of post-conflict situations. There is now a close and well established relationship between the International Criminal Court and the United Nations, as a result both of the adoption of a Relationship Agreement between the two organizations and of the Security Council's referral to the Court of the situation in Darfur.

Prevention is, indeed, the key aspect in the protection of civilians. Preventive action can be effective, however, only if it is made clear that abuses against civilian populations, often carried out against their most vulnerable members, in particular women and children, are violations of international law that will not go unpunished. An unequivocal and firm stance by the Security Council that there will not be impunity for such crimes would have a strong deterrent effect in any situation and would thus serve as a very useful tool of prevention.

Such a firm stance by the Security Council was expressed by the adoption of resolution 1612 (2005) on children and armed conflict. Our leaders welcomed that resolution as a landmark decision and reaffirmed their commitment to promote and protect the rights and welfare of children in armed conflict. We commend the convening of the first meeting of the Council's Working Group, and look forward to the full information of the resolution. In order to assess the progress made in that regard, we would welcome a decision by the Council to hold an open debate on the issue during the first quarter of next year.

One of the most tragic aspects of our collective failure to adequately protect civilians in situations of conflict over the past five years is, as the Secretary-General's report points out, the fact that women and children have continued to suffer extraordinary hardship and violence. It is high time to reverse that trend and to take effective measures that have a tangible impact on the ground. The adoption of a strong resolution on the protection of civilians, which also responds to the need for more consistent and accurate reporting of protection-related incidents, would certainly go a long way towards achieving that goal.

The President: I now give the floor to the representative of the Republic of Korea.

Mr. Choi Young-jin (Republic of Korea): In this era of globalization, the nature of conflicts has radically changed. Classic inter-State wars have virtually ended. Seeing no profit in it, nations avoid war. Instead, we are witnessing a marked rise in intra-State conflicts based on ethnic, religious or cultural differences. In such intra-State conflicts, the proportion of civilian victims has increased drastically. According to a study, civilian casualties made up just 5 per cent of all casualties during the First World War, while in the Second World War that number increased to 50 per cent. Civilian casualties now constitute a staggering 90 per cent. In the new kinds of conflicts prevalent today, civilians are harmed in various ways, including by forced displacement, forced conscription, violence, indiscriminate killing, starvation, disease and loss of livelihood.

My delegation would like to emphasize three issues that we believe are important in protecting civilians more effectively from armed conflict: focusing on vulnerable people, taking a regional approach and ending impunity.

First, we should keep in mind that the most vulnerable people in armed conflict are women and children. Indeed, acts of sexual violence against women continue to be committed in many conflict situations, while children are frequently recruited or abducted and used as soldiers. In view of the serious, lasting social impact of such egregious crimes and the physical and psychological harm they inflict upon their victims, effective protection measures are urgently needed.

Secondly, we note that violence against civilians in a given country directly affects the surrounding region as a result of refugee flows, environmental degradation and the proliferation of illicit arms trading. Meanwhile, the role of neighbouring countries is crucial to ensuring humanitarian access to civilians in regions of conflict. The protection of civilians in armed conflict therefore requires the further strengthening of regional cooperation. We welcome the efforts of regional organizations such as the African Union to

protect civilians while peacekeeping and peacebuilding efforts are ongoing. Regional organizations should be further supported to facilitate such efforts.

In this regard, we welcome the inclusion of the concept of the responsibility to protect in the outcome document of the 2005 world summit (General Assembly resolution 60/1). The United Nations should continue to discuss ways to put it into practice. It goes without saying that national authorities have the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. But when national authorities fail to exercise their responsibility to protect, the international community should use various means to help them to meet those responsibilities, including through measures taken by the Security Council under Chapter VII of the Charter.

Thirdly, in order to prevent the recurrence of crimes against civilians, the culture of impunity must be brought to an end. In this regard, the establishment of the International Criminal Court (ICC), the ad hoc International Criminal Tribunals for the former Yugoslavia and for Rwanda and the Special Court for Sierra Leone has great significance. Also crucial to ending impunity is providing assistance for judicial capacity-building in war-torn societies, with a view to ensuring that law and order is restored.

In our globalized world, threats are interconnected. No State can protect itself by acting alone. Today's topic — the protection of civilians in armed conflict — is an emerging security concern that requires coordinated multilateral responses from the international community. Building upon the progress already made, we should redouble our common efforts to achieve a more secure and orderly world in which every human being is respected and protected under the rule of law.

The President: I now give the floor to the representative of Spain.

Mr. Yañez-Barnuevo (Spain) (*spoke in Spanish*): I wish at the outset to thank the Council presidency for having convened what we consider to be an extremely important debate. Spain fully endorses the statement made earlier by the representative of the United Kingdom on behalf of the European Union.

Today's discussion joins other fairly regular Council debates on an item of great importance, given the scale of the problems associated with the protection of civilians in armed conflict — whose dimensions have in recent years become a matter of particular concern. Much of this is due to the predominantly internal nature of conflicts and to the fact that the majority of conflicts continue at a low level of intensity which inflicts the bloodiest suffering on civilian populations, both urban and rural.

Let us recall that the main responsibility for the protection of civilian populations, including internally displaced persons, lies with national authorities. But where the State in question is unable to protect civilian populations on its territory it is incumbent on the international community to shoulder the responsibility, making use of appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, or when appropriate making use of enforcement measures pursuant to Chapter VII, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The outcome document of September's General Assembly summit (General Assembly resolution 60/1) set this concept out as a major advance in the action of the international community, and we cannot fail to welcome this.

Of particular concern is the need to ensure access to affected populations by humanitarian personnel and humanitarian assistance in situations in which the State or party to the conflict responsible for providing such access is unable or unwilling to do so. As the Secretary-General notes in his report (S/2005/740), and as the United Nations Emergency Relief Coordinator has indicated, in 2004 United Nations agencies were denied access to an estimated 10 million people in need of assistance. Grave security conditions not only hamper access for such assistance; often, they also make it necessary to remove humanitarian personnel temporarily, leaving affected populations without support or assistance of any kind. The case of Darfur provides a clear example of this.

At the same time, it is vital that those responsible for committing atrocities against civilian populations not go unpunished. Once again, it is the State in whose jurisdiction the crimes are committed that bears primary responsibility for ensuring that. Should such a State be unable or unwilling to do so, the international community must use all means at its disposal to combat impunity for especially serious violations. Such means include transitional justice, truth commissions,

special or joint tribunals and, in a broader framework, the International Criminal Court, which should play — and in certain cases already is playing — a key role in investigating and bringing to trial the perpetrators of genocide, crimes against humanity and war crimes.

Let me turn now to the leading role that can be played by the International Fact-Finding Commission created under article 90 of Additional Protocol I to the Geneva Conventions, relating to the protection of victims of armed conflicts — in this context, civilian populations in particular. The Commission, whose jurisdiction has already been accepted by 68 States, can help ensure compliance with the rules of international humanitarian law, in particular those relating to the protection of the victims of armed conflict, not only through investigation and fact-finding with respect to alleged violations of the relevant rules, but also by using its good offices to facilitate a return to respect for the Geneva Conventions and the Additional Protocol. This fully justifies the reference to the Commission's functions in resolution 1265 (1999), the first of the Council's resolutions on this matter.

In that regard, we welcome the visit to New York by a delegation from the International Fact-Finding Commission, led by its President, Sir Kenneth Keith. We are confident that this visit will enable us all to become familiar with the activities the Commission can undertake, with a view to increasing the number of States accepting the Commission's jurisdiction and encouraging the parties concerned that they should have recourse to it. The Commission is a unique instrument for ensuring the proper implementation of international humanitarian law and for helping prevent recurrent violations of the rules governing armed conflict.

For that reason, we believe that consideration should be given to the establishment of formal channels by which cooperation between the United Nations and the International Fact-Finding Commission can be strengthened, with a view to realizing the potential of the Commission's activities in terms of the work of the Organization, particularly in the sphere of the protection of civilian populations in armed conflict.

The President: I now give the floor to the representative of Rwanda.

Mr. Kamanzi (Rwanda): My delegation wishes to put on record its appreciation to the delegation of the United Kingdom for scheduling this very important and timely meeting, which has provided my Government with an opportunity to take stock of the achievements made during the more than five years since the Security Council adopted its first resolution on the protection of civilians in armed conflict, resolution 1265 (1999), and to reflect on those areas where action remains inadequate. Allow me also wholeheartedly to congratulate the Secretary-General on his comprehensive and very enlightening report (S/2005/740) on the matter.

The Security Council's agenda on the protection of civilians in armed conflict addresses a broad spectrum of violations of fundamental rights, violations that target the innocent civilian populations. In such circumstances, those populations are threatened with a wide range of abuses, including those condemned in the relevant internationally agreed instruments pertaining to the promotion and protection of human rights.

It is imperative to underline that the protection of civilian populations in armed conflict is strictly mandatory for all States and all parties concerned in a situation of armed conflict. A higher threshold in that respect, however, should be contemplated in those situations where populations are at risk of genocide or other large-scale atrocities. One most important and far-reaching development in this regard is the commitment made by heads of State or Government at September's world summit to protect civilians from genocide, ethnic cleansing, crimes against humanity and war crimes. My Government wishes to seize this opportunity to reiterate its sincere gratitude to all delegations for their solemn adherence to that commitment.

My Government is of the view that the agreement and the settlement by our heads of State and Government in the world summit was a recognition that collective action is the only way forward if we are to free humanity once and for all of such grave violations, which have been recurrent in recent decades in many parts of the world. It was recognition that business as usual is inadequate and can no longer prevail.

We firmly believe that the responsibility for protecting populations from genocide, war crimes, ethnic cleansing and crimes against humanity lies first and foremost with the State itself, as articulated in the

World Summit Outcome (General Assembly resolution 60/1). Yet we also contend that collective responsibility is needed, and we support all courses of action envisaged in the outcome resolution, including with regard to the international community being prepared to act in a timely and decisive manner through the Security Council in accordance with the Charter, including Chapter VII, where a State is manifestly failing to protect its populations from those atrocities, whenever necessary and appropriate.

Given that reference to the undeniable role of the Security Council in that respect, we believe it is appropriate for the Council to support this important development on the agenda for the protection of civilian populations. We urge the Council to seriously consider including in the draft resolution under consideration an expression of its willingness to discharge its mandate and to act accordingly by endorsing the commitment set out in the outcome resolution of the world summit regarding the responsibility to protect populations from genocide, war crimes and ethnic cleansing.

The safety of civilian populations in all circumstances, let alone situations of armed conflict, is the very foundation of the legitimacy of the nations in the name of which we stand. The claim of the principle of national sovereignty will be fully valid only when all our nations, individually or collectively, will have turned their commitment into effective action and when they will have set up appropriate preventative and protective mechanisms to uphold that safety. Empowering relevant bodies such as the Security Council to take up that challenge is the first step forward, which we cannot afford to overlook.

The President: Does the Under-Secretary-General wish to comment in response to the various contributions we have heard in the course of today's debate?

Mr. Egeland: I shall make a few concluding remarks. First, we are very grateful indeed for the many expressions of support through this long debate. This has been a year of disasters and conflicts like no other. We need your continued support and encouragement. We need you to help us help the people in the field do a better job in protecting civilians.

I think this debate has underlined the importance of mainstreaming protection, providing a clear focus for future action in addressing some of the critical gaps in implementation. I am glad to hear that Council members feel that the Secretary-General's report contributes to the Council's developing a more strategic and systematic perspective.

Throughout the debate here today there was recognition of the needy to increase mechanisms for peacemaking and conflict prevention as one of the main tools for the protection of civilians. A number of countries — I recall China, Algeria, Egypt — emphasized the need to address the root causes of conflict and to end conflict. The importance of addressing the root causes of conflict and devoting greater efforts to conflict prevention cannot be understated. I think no one sees this more clearly than our humanitarian workers in the field. We see the importance of our work, but we also see its limits. As I said this morning, effective humanitarian action — keeping people alive — can never be an alibi for real efforts to end a conflict and provide security for those whom we feed and cloth and give emergency medical assistance.

Today once again we focused mainly on Africa and the unresolved African conflicts and protection crises. I also very much recall the situation reported by the Permanent Representative of the Government of Iraq. With 30,000 civilians killed, according to him, it is one of the most acute protection crises in the world today. It only serves to emphasize the scale and complexity of the problems facing us. I would like to extend my deepest condolences to the victims of conflict and violence in Iraq and in all the countries in Africa, in Asia, and the Middle East and Latin America, and elsewhere where we have protection problems.

I am also pleased to hear that the Government of Uganda today repeated that a negotiated outcome is still on the table for northern Uganda, as was expressed by the Permanent Representative. We condemn the senseless violence of the Lord's Resistance Army and its leader, Joseph Kony, but it must also be recognized that the problems created cannot be addressed solely by military means. The conflict has lasted for 19 years, and now all efforts must be used to reduce violence and save lives.

I repeat that resources devoted to peacemaking, to the root causes of the conflict and to security efforts for the most vulnerable are totally inadequate. The recently documented death rates among displaced

populations in northern Uganda are at crisis levels, considerably higher now than even those in Darfur, where effective humanitarian action has reduced mortality levels. However, Darfur is also a situation, described by the colleague from the United States, where developments are getting worse and where the protection crisis is deepening. The international community can begin to assist in addressing this only if there is sustained access by the international community to all the displaced, an access that of late has been reduced both in northern Uganda and in Darfur.

It was mentioned in the debate that we in the humanitarian organizations must always observe humanitarian principles. Over the past five years humanitarian organizations have done considerably more to ensure the impartiality of humanitarian work and that we are always reaching those with the greatest needs in an impartial manner. We are improving the instruments at our disposal in line with relevant General Assembly resolutions in order always to respond impartially and to provide more predictable assistance wherever it is required.

I think our neutrality has been strengthened by improved guidance and training with military forces in areas of civil-military cooperation to ensure a better understanding of the respective roles and responsibilities of military and civilian actors, to prevent a blurring of roles. Improved training for humanitarian coordinators and greater internal awareness within humanitarian organizations themselves have also reinforced humanitarian principles. We have also worked with Governments in areas affected by conflict to support them in their responsibilities and to clearly identify the protection needs of their populations.

Moreover, as this debate underscored, the protection needs of civilians are still considerably greater than our capacity to meet those needs. Because humanitarian access has increased in many areas, there is a need for protection activities and services. One such area — not mentioned today — is the Democratic Republic of the Congo, where we have much better access than in previous years. We have provided medical and psychosocial support to women and children who have been raped; we have reunited children with their families; and we have helped people to obtain the documentation they need to gain access to basic services.

As was recalled by the representative of Denmark, among others, we are developing a search protection standby capacity — PROCAP, as it is called. One-hundred people stand by to go anywhere in the world to carry out protection work as humanitarians and human rights workers. The new Central Emergency Response Fund, which we hope will be agreed very soon at the level of the General Assembly, will be a financial mechanism that can be used to allow early action to save lives and reduce the prospects of displacement, about which so many speakers raised concerns today. Other reforms — including the development of cluster leadership approaches among all humanitarian actors — will also enable us to respond more predictably where urgent needs for protection and humanitarian assistance exist.

The importance of more accurate reporting to the Security Council was highlighted here today by a number of representatives of Member States. I, too, have underlined the importance of providing the Council with accurate global information. As my predecessor, Ambassador Oshima, stressed on behalf of Japan, that is not an easy task, and our progress in developing comprehensive information systems has been slower than I would have wished. We have established the parameters for a reporting framework, however, in agreement with the relevant United Nations agencies and departments, and have established links with many relevant academic research institutions. The next report of the Secretary-General will — I am sure, and I promise — show the fruit of that collaboration.

The representative of the Russian Federation stressed the importance of ensuring the implementation of the first two Council resolutions on the protection of civilians in armed conflict: resolutions 1265 (1999) and 1296 (2000). I agree wholeheartedly that that is imperative. All of us — Governments, parties to conflict, regional organizations, the Security Council, peacekeeping missions and we in the humanitarian community — need to do much more to implement those important resolutions so that we can improve our response to the ongoing protection concerns.

At the same time, as I said in my opening statement, we now need a new resolution that reflects relevant developments over the past five years in order to guide and strengthen our future work in 2006 and beyond. I urge Council members to redouble their efforts to adopt not only a resolution, but a strong

resolution, and to keep in the forefront of their minds the children, women and men suffering daily in conflict situations, for whom that resolution must make a concrete difference.

Once again, I thank you, Mr. President, for presiding over today's debate, which has been most important and valuable to me, to my team and to all of us humanitarian actors who are working together to do our part to protect civilians in need.

The President: Thank you, Mr. Egeland, not only for that contribution, but for staying with us as long as you have today. Given all your other pressing concerns, that is particularly appreciated.

I now give the floor to Mr. Dominique Buff of the International Committee of the Red Cross to make a final comment.

Mr. Buff (International Committee of the Red Cross): I should just like to tell you once again, Mr. President, how much the International Committee of the Red Cross — and particularly our Vice-President, who had to leave — appreciated your invitation and the opportunity for the Committee to address the Council this morning on this extremely important issue.

The President: I thank all those who contributed to this debate, as well as those who observed it and listened to it.

The discussion on the draft resolution on this subject will now continue. My hope is that that discussion will draw upon the richness of the debate we have had today and that, over the course of next week, we can move to finalize and adopt a text. That is what the President of the Council will try to deliver.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.05 p.m.